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**TC 1700**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellant: DIRK SELDESLACHTS Docket No.: 98-227

Serial No.: 09/051,565 Examiner : C. SHERMER

Filed : June 8, 1998 Art Unit : 1761

For : DEVICE FOR REMOVING UNWANTED VOLATILE  
COMPOUNDS FROM BEER WORT

900 Chapel Street  
Suite 1201  
New Haven, CT 06510-2802

RESPONSE

MS Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

Dear Sir:

This is in response to the official letter dated April 23,  
2003 setting a one month period for response.

R E M A R K S

Attached hereto are three corrected appeal briefs  
containing a revised summary of invention with references to the  
specification.

With regard to the Examiner's comments concerning the  
appended claims, the Examiner is in error. As stated in  
M.P.E.P. 1207, the brief must be directed to the claims and to  
the record of the case at the time of appeal. The amendment

canceling claim 54 and amending claim 55 to depend from claim 28 was unentered at the time of appeal. Thus claims 54 and 55 appear in the appendix of claims. It is up to the Examiner to take action with respect to the unentered amendment and in his answer state how this affects the claims on appeal. To date, Appellant has received no Advisory Action concerning the unentered amendment.

With regard to the allowability of the claims on appeal, Appellant has presented in Sections X, subsections B and C, clear statements as to the deficiencies of the obviousness rejection made by the Examiner and presented reasons why the claims are each separately patentable. Nothing more is required. If the Examiner wishes to argue otherwise, he may do so in his Answer.

Respectfully submitted,

DIRK SELDESLACHTS

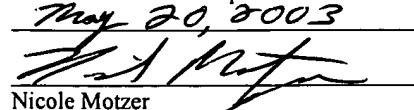
  
By \_\_\_\_\_  
Barry L. Kelmachter  
Reg. No. 29,999  
ATTORNEY FOR APPELLANT

Tel: (203) 777-6628

Fax: (203) 865-0297

Date: May 20, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on

May 20, 2003  
  
Nicole Motzer